

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. § CIVIL ACTION NO.
§
\$104,367.88, §
Defendant. §

COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against approximately \$104,367.88 which are the proceeds from the sale of real property located at 4449 Lukes Avenue, Destin, Florida.

1. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture of any property which constitutes or is derived from proceeds traceable to a violation of any offense constituting "specified unlawful activity" is subject to forfeiture to the United States. Pursuant to 18 U.S.C. §§1956(c)(7) and 1961(1), mail fraud in violation of 18 U.S.C. §1341 and wire fraud in violation of 18 U.S.C. §1343 constitute "specified unlawful activity" for purposes of 18 U.S.C. §981(a)(1)(C).

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1335.
3. Venue is proper in this Court pursuant to 28 U.S.C. §1335.
4. The Defendant Property was seized on land in Florida and is being held pursuant to a court order from the Southern District of Texas. This Court has jurisdiction pursuant to 28 U.S.C. §1335.

5. The Defendant Property is forfeitable because they are proceeds traceable to mail fraud in violation of 18 U.S.C. §1341 and wire fraud in violation of 18 U.S.C. §1343.

6. From November 1, 1996, to August 31, 2000, in the Houston Division of the Southern District of Texas, Joel Nathan Bennett was engaged in a telemarketing fraud scheme and conspired with others to:

- a. To use interstate wire facilities in execution of a scheme to defraud in violation of 18 U.S.C. §1343, and
- b. To use the United States mail in execution of a scheme to defraud in violation of 18 U.S.C. §1341.

On March 25, 2002, Joel Nathan Bennett was charged by criminal information with this conspiracy in *United States v. Joel Nathan Bennett*, Criminal No. H-01-31. He pleaded guilty to the information on March 25, 2002. As part of the plea agreement, he said that he and others participated in a scheme to obtain money, funds and property by means of false and fraudulent pretenses, representation and promises. During the conspiracy he and others made false representations to individuals relating to their ability and intention to obtain approval for major credit cards and significant travel discount for their victims for a fee. Joel Nathan Bennett knew that the promises and representations he and others made to individuals were false and material to the individual decision to authorize electronic transfer or draft of the "fee" from their banks.

7. Joel Nathan Bennett used part of the proceeds from this fraudulent scheme to purchase real property located at 4449 Lukes Avenue, Destin, Florida. In *United States v. Paul Wick*, Criminal No. H-01-31, Southern District of Texas, the real property located at 4449 Lukes Avenue, Destin, Florida, was sold pursuant to a court order on January 31, 2002. The proceeds from the sale were approximately \$104,367.88 and were placed in the custody of the U.S. Marshals Service, Pensacola, Florida.

THEREFORE, Plaintiff requests that:

(A) A warrant of seizure issue according to the normal procedure of this Court citing all persons having an interest in the Defendant Property to appear on the return day of process by filing a claim and answer pursuant to Rule C(6), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court;

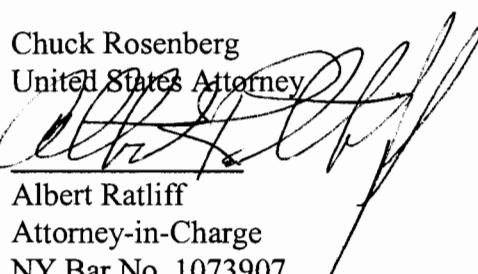
(B) A judgment of forfeiture to the United States be decreed against the Defendant Property; and

(C) An award for costs and other and further relief to which the Plaintiff may be entitled.

Respectfully submitted,

Chuck Rosenberg
United States Attorney

By:

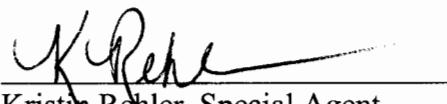

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VERIFICATION

I am Kristin Rehler, Special Agent, Federal Bureau of Investigation, and I declare under penalty of perjury and as provided by 28 U.S.C. §1746 that I have read the foregoing verified complaint for civil forfeiture in rem, and that the facts stated therein are based upon my personal knowledge or from information obtained in the course of the investigation conducted by the

Federal Bureau of Investigation and are true and correct to the best of my knowledge and belief.

Executed on August 30, 2005.



Kristin Rehler, Special Agent
Federal Bureau of Investigations